

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

GENARO ESCALANTE-CALMO,

Petitioner,

v.

A. NEIL CLARK, et al.,

Respondents.

CASE NO. C06-1575 RSL

ORDER DENYING PETITION  
FOR WRIT OF HABEAS CORPUS  
AND DENYING MOTION FOR  
LOWER BOND

The Court, having reviewed the Petition for Writ of Habeas Corpus, the government's motion to dismiss, petitioner's response, the government's reply, the administrative record, the Report and Recommendation of the Honorable Monica J. Benton, United States Magistrate Judge, and the objections thereto, petitioner's "motion for lower bond and release consideration," the government's opposition to the motion, and the remaining record, finds and orders as follows:


- (1) The Court adopts the Report and Recommendation;
- (2) The Petition for Writ of Habeas Corpus (Dkt. #7) is DENIED;
- (3) Respondents' Motion to Dismiss (Dkt. #18) is GRANTED;
- (4) Petitioner's Motion for Lower Bond and Release Consideration (Dkt. #25) is DENIED;<sup>1</sup>

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<sup>1</sup> Even if petitioner were entitled to an additional post-custody review, which he is not as set forth in the Report and Recommendation, the Court lacks authority to order lower bond or his release. The authority to make those determinations rests solely with United States Immigration and Customs Enforcement ("ICE"). See, e.g., INS v. Ventura, 537 U.S. 12, 17 (2002); INA § 241(a)(6).

1 (5) The Clerk is directed to send copies of this Order to counsel for both parties, and  
2 to Judge Monica J. Benton.  
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4 DATED this 30th day of May, 2007.  
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7 Robert S. Lasnik  
8 United States District Judge  
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